

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
Telephone: (202) 671-0547
Fax: (202) 671-0658**

IN THE MATTER OF

Beverley R. Wheeler, Treasurer
Beverley Wheeler for Ward 1
3527 10th Street, NW
Washington, D.C. 20010

) Date: January 29, 2015
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Docket No.: 14R-060

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Reports Analysis and Audit Division (“RAAD”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.03(a)(1)(A) (2012) and the District of Columbia Municipal Regulations 3 DCMR § 3403.2 (August 2013), Beverley R. Wheeler, Treasurer for Beverley Wheeler for Ward 1 principal campaign committee, failed to respond to RAAD’s Request for Additional Information dated October 22, 2014 by the November 6, 2014 deadline.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated December 1, 2014 and December 18, 2014, OCF ordered Beverley R. Wheeler (“Respondent”) to appear at scheduled hearings on December 17, 2014 and January 7, 2015 and show cause why Beverley Wheeler for Ward 1 principal campaign committee should not be found in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3403.2 and fined accordingly.

Summary of Evidence

Upon review of Respondent’s October 10th Report of Receipts and Expenditures (October 10th R&E report), RAAD determined that additional information was needed. On October 22, 2014, RAAD submitted to Respondent a Request for Additional Information requiring Respondent to submit an amended October 10th R&E report and provide documents regarding a loan repayment by November 6, 2014. Respondent failed to provide RAAD with this information by the stated deadline.

The December 1, 2014 Hearing Notice was submitted to Respondent via regular and electronic mail; however, the electronic notice returned to sender. The December 18, 2014 hearing Notice was submitted to Respondent via regular and certified mail. On December 22, 2014, OCF submitted a revised Hearing Notice by regular and certified mail correcting the date

stated for the scheduled hearing from January 7, 2014 to January 7, 2015. None of the Hearing Notices submitted by regular and certified mail returned to OCF as undeliverable.

On January 7, 2015, Respondent failed to attend the scheduled hearing; however, a hearing was held for the record. Michele Steele, RAAD staff auditor, appeared on behalf of OCF. Ms. Steele testified, having been duly sworn, that RAAD submitted an October 22, 2014 Request for Additional Information and requested that Respondent conduct the following: (1) submit an amended October 10th R&E report correcting a discrepancy in the beginning and ending cash on hand balances as well as correct a loan repayment reported on the incorrect schedule; and (2) provide documents supporting a loan repayment. Ms. Steele further testified that Respondent did not file the amended October 10th R&E report or provide RAAD with any documentation. Additionally, Ms. Steele explained that she had not received any correspondence from Respondent. Therefore, Respondent failed to satisfy RAAD's October 22, 2014 Request for Additional Information.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is the Treasurer for Beverley Wheeler for Ward 1 principal campaign committee.
2. Respondent was required to submit an amended October 10th R&E report and documentation regarding a loan repayment by November 6, 2014 as requested in RAAD's October 22, 2014 Request for Additional Information.
3. Respondent failed to file the amended October 10th R&E report and failed to provide the requested documents by the stated deadline.
4. By Notices of Hearing, Statements of Violations and Orders of Appearance dated December 1, 2014 and December 18, 2014, OCF ordered Respondent to appear for scheduled hearings on December 17, 2014 and January 7, 2015.
5. The December 1, 2014 Hearing Notice was submitted by regular mail and the December 18, 2014 Hearing Notice was submitted by regular and certified mail.
6. On December 22, 2014, OCF submitted a revised Hearing Notice, via regular and certified mail, correcting a clerical error on the December 18, 2014 Hearing Notice.

7. The Hearing Notices submitted by regular and certified mail were not returned to OCF as undeliverable.
8. Respondent failed to appear for the January 7, 2015 hearing; however, a hearing was held for the record.
9. To date, Respondent has failed to submit the amended October 10th R&E report and the requested documents.
10. The amended October 10th R&E report and the requested documents are currently fifty-five (55) days late.
11. Respondent failed to satisfy RAAD's October 22, 2014 Request for Additional Information and has not provided an explanation for this delinquency.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent Committee violated D.C. Official Code § 1-1163.03(a)(1)(A) and 3 DCMR § 3403.2.
2. D.C. Official Code § 1-1163.35(a)(3) and 3 DCMR § 3711.2(q) institutes a fine of fifty dollars (\$50.00) for failure to file additional information and the aggregate set of fines imposed may not exceed two thousand dollars (\$2,000.00).
3. Respondent may be fined a maximum penalty of \$2,000.00 for failure to file additional information.
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to submit the amended October 10th R&E report and the requested documents.
6. Respondent failed to satisfy RAAD's October 22, 2014 Request for Additional Information and has not provided an explanation for this delinquency.

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Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a \$2,000.00 fine in this matter.

January 29, 2015
Date

Lesley Brown
Lesley Brown
Hearing Officer

Concurrence

In view of the foregoing, **I HEREBY CONCUR** with the Recommendation.

January 29, 2015
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$2,000.00 is imposed in this matter.

January 29, 2015
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** was served on Treasurer Beverley R. Wheeler via regular and certified mail at 3527 10th Street, NW, Washington, DC 20010 on this 29th day of January 2015.

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Notice

Any party adversely affected by an Order of the Director may: (1) file a Motion for Reconsideration (Motion) with the OCF within five (5) days after receipt of an Order, provided that relevant evidence was omitted from consideration at the hearing (3 DCMR § 3709.13); or (2) obtain review of the Order by filing a request for a **hearing de novo** with the Board of Elections within fifteen (15) days from the date of issuance of an Order. Any fine imposed by the Director, pursuant to § 3711.2 shall become effective on the sixteenth (16th) day following the issuance of a decision or Order; provided that, the Respondent does not request a **hearing de novo** with the Board of Elections. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make payment by check or money order payable to: District of Columbia Treasurer. Send payment to the *Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, DC 20009.*